

## Exhibit 1: Form Exhibit List

UNITED STATES DISTRICT COURT,  
District of Alaska  
Exhibit List

THE UNITED STATES for the use of GMW Fire Protection, Inc., an Alaskan Corporation  
v. KANAG'IQ CONSTRUCTION CO., INC., an Alaska Corporation and  
WESTERN SURETY COMPANY, a South Dakota Corporation

Case No.: A05-170 Civil

Presiding Judge: Honorable Timothy M. Burgess				Plaintiff's Attorney: Sarah Tugman	Defendants' Attorney: Thomas S. Gingras
Trial Date(s): January 22, 2008				Court Reporter:	Courtroom Deputy:
Plt. Ex.	Def. Ex.	Bates No.	Offered	Admitted	Description of Exhibit <sup>1</sup>
		see descr.			<b>EARLIER GMW-KANAG'IQ CONTRACTS</b>
1					01138 -9 -- subcontract -- Kanag'Iq and GMW PAX -- 4-10-03 (Young Exh. 99)
2					01123-24 00 GMW estimate 2-11-03 PAX (Young Exh. 100)
3					01122, 0110, 01116 -- 3 GMW billings PAX (various dates)(Young Exh. 101)

<sup>1</sup> Include a notation as to the location of any exhibit not held with the case file or not available because of size.

4					01121, 01119, 01117 – KCC paystubs PAX (various dates (Young Exh. 102)	
5					01118 KCC sub. progress pymt. form – PAX (Young Exh. 103)	
					<b>ELMENDORF FIRE SUPPRESSION REQUIREMENTS CONTRACT</b>	
6					Prime contract, pages 20-21, §01020	
7					Fax from KCC to GMW dated 5-25-00	
8					unnumbered – Bid Schedule, Base year – faxed by GMW 6-5-00 ( 8 pages)	
9					00053-57 – Bid Schedule, Base Year, titled new price GMW 7-17-00 (6 pages)	
10					200707-25 – Bid Schedule, titled “Contract Ricing Agreement” – Base year (7 pages), First Option Year (6 pages), Second Option Year (6 pages)	
11					Statement of Acknowledgment dated 10-25-00	
12					00048-52 KCC/GMW subcontract (5 pages) dated 10-26-00 and 11-2-00 (Jury Exh. 6)	
					<b>DO 5006 – KNIK HALL</b>	
13					01390-94 – notice of award dated 2-27-02 and attachments – DO 5006 (Young Exh. 104)	
14					01372 – GMW quote dated 2-28-03 (Young Exh. 105)	

15					01371-70 – GMW invoices dated 4-25-03 and 5-25-03 (Young Exh. 106)	
16					01368 – KCC paystub (Young Exh. 107)	
					<b>5007 – PUMP HOUSE</b>	
17					01512-27 – GMW fax cover sheet and quotes for hangar dated 3-14-03 (Young Exh. 108)	
18					01504-11 – GMW fax cover sheet and revised quotes dated 3-18-2003 (Young Exh. 109)	
19					01417-33 – GMW quote dated 5-20-03 with attachments (pump house)(Young Exh. 110)	
20					01411, 01412, 01413 – GMW billings (various dates) (pump house) (Young Exh. 111)	
21					01410, 01409, 01407 – KCC sub. progress pymt. forms fire pump	
22					01414, 01408, 01406 – KCC check stubs 7-29-03, 8-21-03 and 9-5-03 (pump house)	
					<b>5008 – BUILDING 18220</b>	
23					201071 – Frere estimate dated 8-12-03 – building 18220 (Jury Exh. 7)	
24					200993-96 – GMW fax cover sheet and attachments, quotes for DO 5008 dated 6-22-04 (Jury Exh. 9)	
25					01973 – GMW invoice dated 6-25-04 for DO 5008 (Jury Exh. 10)	

26					01975 – KCC sub. progress pymt. form for DO 5008 (Jury Exh. 11)	
27					03601 – GMW fax to KCC dated 7-13-04 re revised contract amount to come	
28					01977 – GMW invoice dated 8-25-04 for DO 5008 (revised amt.) (Jury Exh. 12)	
29					019181 – KCC sub. progress pymt. form for DO 5008 (Jury Exh. 13)	
30					03593 – GMW invoice dated 11-26-04 for DO 5008	
31					200794-5 – KCC transfer and acceptance doc. for DO 5008 (Jury Exh. 14)	
32					201228 – engineer's estimate signed by KCC 9-11-03 for DO 5009 (Jury Exh. 15)	
33					201308-13 – GMW fax cover sheet dated 11-4-03 and quotes attached for DO 5009 (Jury Exh. 16)	
34					01987 – GMW invoice dated 12-24-03 for bldg. 177720 (Jury Exh. 17)	
35					03485 – GMW invoice dated 9-24-04 for bldg. 177720	
36					201181 – KCC transfer and acceptance doc. for DO 5009 (Jury Exh. 18)	
					<b>5010 – SUSITNA CLUB</b>	
37					201504-05 – engineer's estimate dated 9-12-03 signed by KCC for Susitna Club (Jury Exh. 19)	

38					201533-39 – GMW fax cover sheet dated 1-16-04 and attached quotes for Susitna Club (Jury Exh. 20)	
39					03357 – GMW billing dated 1-25-2004 fo Susitna Club (Jury Exhibit 21)	
40					KCC sub. progress payment form for DO 5010 (Jury Exh. 22)	
41					01630 – GMW fax cover sheet dated 9-28-04 re: revised quotes for Civil Air and Susitna Club fire alarms (Jury Exh. 23)	
42					03347 - GMW invoice dated 10-25-04 fo Susitna Club (Jury Exh. 24)	
43					02135 – KCC sub. progress pymt. form for Do 5010 (Jury Exh. 25)	
44					03345 – GMW invoice dated 11-26-04 for Susitna Club	
45					01746 and 200627-28, 01747-200629, 01748, 200630-01749, 200631, 01750, 200632, 01751 GMW fax cover sheet dated 1-03-05 and attached revised quotes for Susitna Club sprinklers and fire alarms (Jury Exh. 26)	Note: exhibit combines copies of the same document from both parties due to a fax transmission erasure on one of them
46					201390-01 – KCC transfer and acceptance doc. dated 7-12-05 for DO 5010 (Jury Exh. 27)	
					<b>5011 – SNOW BARN</b>	
47					201760-61 – engineer's estimate dated 9-15-03 signed by KCC for snow barn DO 5011 (Jury Exh. 28)	

48					200727-29 – GMW fax cover sheet dated 3-12-04 and attached quote for snow barn DO 5011 (Jury Exh. 29)	
49					02041 – GMW invoice dated 3-25-04 for snow barn (Jury Exh. 30)	
50					201752 – KCC sub. progress payment form for DO 5011 (Jury Exh. 31)	
51					201677 – 81 change order effective 5-24-04 to DO 5011 (deleting sprinkler riser bldg, etc.) (Young Exh. 92)	
52					02043 – KCC sub. progress payment form for DO 5011 (Jury Exh. 32)	
53					201787-90 – GMW fax cover sheet dated 9-22-04 and revised quotes for snow barn alarm and asking for Bill's numbers (Jury Exh. 33)	
54					02048 – GMW invoice dated 9-27-04 for snow barn CO 5011 (Jury Exh. 34)	
55					02793 – GMW invoice dated 9-27-04 for the Snow Barn (sprinkler)	
56					02049 – KCC sub. progress pymt. form for DO 5011 (Jury Exh. 35)	
57					02786 – GMW invoice dated 12-24-04 for the Snow Barn (fire alarm)	
58					KCC transfer and acceptance form dated 7-12-05 for DO 5011 (Jury Exh. 36)	

									<b>5012 – SURV. EQUIP.</b>		
59									202154 – engineer’s estimate dated 9-15-03 for surv. equip. shop signed by KCC (Jury Exh. 37)		
60									03111 – GMW invoice dated 5-25-04 for survival equip. fire alarm (Jury Exh. 38)		
61									03112 – KCC sub. progress pymt. form for DO 5012 (Jury Exh. 39)		
62									03109 – GMW invoice dated 8-5-04 for survival equipment fire alarm		
63									202143-33 – KCC transfer and acceptance doc. dated 7-12-05 for DO 5012 (Jury Exh. 40)		
									<b>5013 – AGE BLDG.</b>		
64									202342-44 – engineer’s estimate dated 9-18-03 signed by KCC for DO 5013 (Jury Exh. 41)		
65									202371-76 – GMW fax cover sheet dated 2-3-04 quotes for AGE bld. w/o alarm (Jury Exh. 43)		
66									202419-21 – revised engineer’s estimate for DO 5013 dated 2-17-04		
67									02608 – GMW invoice dated 3-8-04 for AGE bldg. (Jury Exh. 44)		
68									202273, 202388-90 – cover letter dated 5-11-04 re change order to DO 5013 with revised estimate (Jury Exh. 42)		
69									201394-5 – KCC transfer and acceptance doc. dated 7-12-05 for AGE bldg. (Jury Exh. 47)		

					<b>5014 – SURV. EQUIP.</b>	
70					202586-7 – engineer's estimate dated 9-19-03 signed by KCC for survival equipment shop (Jury Exh. 48)	
71					02005 – GMW invoice dated 1-25-04 for survival equipment sprinklers (Jury Exh. 50)	
72					202522 -3 – GMW quote (faxed 4-20-04) for survival building sprinkler only (Jury Exh. 51)	
73					02008 – KCC sub. progress pymt. form for DO 5014 survival equip. bldg. (Jury Exh. 52)	
74					202673-76 – change order effective 6-14-04 to DO 5014 (increase) (Young Exh.) 94	
75					202589 – KCC transfer and acceptance doc. dated 7-13-05 for DO 5014 (Jury Exh. 54)	
76					202664-67 – change order effective 9-28-05 to DO 5014 (increase)(Jury Exh. 53)	
					<b>5015 – CIVIL AIR PATROL</b>	
77					202795-96 – engineer's estimate dated 9-13-03 signed by KCC for DO 5015 (Jury exhibit 55)	
78					200202 fax from engineer to KCC dated 6-9-04 asking for price from GMW to alarm DO 5015 instead of sprinklers (Jury Exh. 56)	
79					200611, 202876-78 – GMW fax cover sheet dated 6-9-04 with bid schedule attached for DO 5015 civil air patrol (Jury Exh. 57)	



80					02970, 202873-75 – GMW cover sheet dated 6-30-04 and attached quotes for DO 5015 civil air patrol alarm (Jury Exh. 58)	
81					202860-64 – change order effective 7-26-04 to DO 5015 (decrease) (Young Exh. 95)	
75					202589 – KCC transfer and acceptance doc. dated 7-13-05 for DO 5014 (Jury Exh. 54)	
82					01630,02038-40 – GMW fax dated 9-28-04 and revised quote for fire alarm (Jury Exhibit 59)	
83					02033 – GMW invoice dated 10-25-04 for civil air patrol bldg. (Jury Exh. 60)	
84					02035 – KCC sub. progress pymt. form for DO 50015 (Jury Exh. 61)	
82					01630,02038-40 – GMW fax dated 9-28-04 and revised quote for fire alarm (Jury Exhibit 59)	
83					02033 – GMW invoice dated 10-25-04 for civil air patrol bldg. (Jury Exh. 60)	
84					02035 – KCC sub. progress pymt. form for DO 50015 (Jury Exh. 61)	
85					02894 – GMW invoice dated 12-24-04 for Civil Air Patrol Bldg.	
86					202701-2 – KCC transfer and acceptance doc. dated 7-13-05 for DO 5015 (Jury Exh. 62)	

						<b>5016 – MUNITIONS BLDG.</b>	
87						203110, 203106-108 – faxes from engineer dated 9-19-03 to KCC re DO 5016 (and 5017 & 5018) with attached engineer's estimate signed by KCC for 5016 (Jury Exh. 63)	
88						01541 – GMW fax cover sheet dated 1-16-04 with quotes for munitions bldg. sprinklers (Jury Exh. 64)	
89						203182, 02023, 02028-32 – GMW fax cover sheet dated 6-14-04 with quotes for DO 5016 sprinklers and alarms (Jury Exh. 65)	
90						203183-86, 200610 – GMW fax cover sheet dated 6-14-04 with attached quote for DO 5016 munitions storage bldgs. (Jury Exh. 66)	
91						02970, 20350-54 – GMW fax cover sheet dated 6-30-04 with attached quotes for DO 5016 (Jury Exh. 67)	
92						02961 – GMW invoice dated 9-24-04 for munitions storage bldg. (Jury Exh. 68)	
92						02022 – KCC sub. progress pymt. form for DO 5016 munitions storage (Jury Exh 69)	
94						02957 – GMW invoice dated 12-24-04 for Munitions Storage Bldg.	
95						203239 - 40 – change order effective 5-24-05 to DO 5016 (increase) (Young Exh. 96)	

											<b>5017 – BASE SUPPLY WAREHOUSES</b>	
97											200260-1 – engineer's estimate dated 9-22-03 signed by KCC for base supply warehouse (Jury Exh. 72)	
98											200093-95 – GMW fax cover sheet dated 6-23-04 to KCC with engr. est. for 5017 base supply warehouses (Jury Exh. 73)	
99											2000180-81, 200006-7 – engineer's change to DO 5017 dated 7-14-04 (reduction) and change to DO 5017 dated 8-24-04 (reduction)(Jury Exh. 74)	
100											02059 – GMW invoice dated 8-25-04 with new contract amount (Jury Exh. 75)	
101											01597 – fax from engineer to GMW dated 9-2-04 re: scope of work and start work for DO 5017 (Jury Exh. 76)	
102											200153,200147-52 – cover letter dated 9-13-04 re change order to DO 5017 and change order effective 8-24-04 (Young Exh. 97)	
103											01640 – GMW fax cover sheet – to Steve Frere, dated 9-30-04	
104											01639,020963-69 – GMW cover sheet with breakdown attached, dated 9-30-04	
105											01637, 2063-69, GMW fax cover sheet to KCC dated 9-30-04 with attached quote for base warehouse supply bldgs. (Jury Exh. 77)	
106											02707 GMW invoice dated 10-26-04 for base supply warehouse (Jury Exh. 78)	

107					02062 KCC sub. progress pymt. form for DO 5017 (Jury Exh. 79)	
108					202703-4 – KCC transfer and acceptance doc. dated 7-13-05 for 5017 (Jury Exh. 80)	
					<b>5018 – METAL TECH BLDG.</b>	
109					200082-83 – engineer's estimate dated 9-19-03 signed by KCC for DO 5018 (Jury Exh. 81)	
110					01561-63 – GMW fax cover sheet dated 2-17-04 to KCC with attached quote for sprinkler in metal tech. bldg. (Jury Exh. 82)	
111					02070 – GMW invoice dated 3-25-04 for DO 5018 metal tech bldg. (Jury Exh. 83)	
112					200278-81,200207-8 – GMW fax cover sheet dated 3-26-04 with attached quote for DO 5018 metal tech bldg. (Jury Exh. 84)	
113					02499 – GMW invoice dated 4-25-04 for Metal Tech. Bldg.	
114					02072 – KCC sub. progress pymt. form for DO 5018 (Jury Exh. 85)	
115					02073 – KCC sub. progress pymt. form for DO 5018 (Jury Exh. 86)	
116					200320 -323 – change order effective 7-26-04 to DO 5018 (decrease) (Young Exh. 98)	
117					200252-3 – KCC transfer and acceptance doc. dated 7-13-05 for DO 5018 (Jury Exh. 87)	

					<b>GENERAL COMMUNICATIONS</b>	
118					01557 – GMW fax to KCC dated 2-5-04 re: elephant cage as-builts not correct (Jury Exh. 8)	
119					201805 – GMW fax to KCC dated 2-5-04 re design and scheduling snow barn, metal tech bldg, (Foland Exh. 112)	
120					200889 – KKC fax to GMW dated 3-28-04 – need price schedules for 5008, 5011, 5014, 5015 and 5017 (Foland Exh. 114)	
121					200890 – KCC fax to GMW dated 4-5-04 – need price schedules for 5008, 5014, 5015 and 5017 (Foland Exh. 115)	
122					200864 – KCC fax to GMW dated 5-4-04 asking for cost break downs for DOs 5008, 5015, and 5017	
123					200851 – KCC fax to GMW dated 5-26-04 asking for cost break downs for Dos 5008, 5015 and 5017	
124					200202 – fax dated 6-9-04 from engineer to KCC re: mod. for 5018, work reduced, funds from 5018 to 5014, need GMW to price 5015 civil air patrol alarms in lieu of sprinklers	
125					01594-5 – KCC fax to GMW dated 6-29-04 asking for updated DO costs	
126					200832 and 200507 – KCC fax to GMW dated 7-13-04 asking for updated contract amounts for all delivery orders with attached list of Dos	

127					200297 – KCC fax dated 11-24-04 to Brian Brown re DO 5018	
128					200185 KCC fax dated 12-8-04 to GMW re Chandler leaving	
					<b>PAYMENT ISSUES</b>	
129					200740 – notes dated 3-31-04 re DOS (Frere's estimates and GMW's quotes)(Jury Exh. 89)	
130					01609 – GMW fax to KCC dated 9-21-04 re KCC changing contract amounts	
131					01663 – GMW fax to engineer dated 10-25-04 re Bill changing contract amounts	
132					200616 – GMW fax to KCC dated 10-25-04 wanting pymt.	
133					01689 – GMW fax to KCC dated 10-25-04 wanting pymt.	
134					01691 – GMW fax to KCC dated 10-25-04	
135					01692 – KCC fax to GMW dated 10-25-04 in response, and asking for revised quote for DO 5018	
136					200596 – GMW billing to KCC dated 12-10-04	
137					01801-12 – GMW fax to Sergeant Brown, dated 12-10-04, re nonpayment by KCC	
138					01716 – GMW fax to engineer dated 12-10-04 re nonpayment	

139					200476, 01718-19 – KCC fax cover sheet to GMW dated 12-15-04 with letter dated 12-13-04 re KCC's DO review	
140					01720 – GMW fax to KCC dated 12-15-04 asking for an explanation	
141					01737 – email dated 12-17-04 from KCC (Phil Young) to GMW (Glenn Johnson)	
142					01740 – GMW (Glenn Johnson) fax to KCC (Phil Young) dated 12-20-04	
143					01741 – email dated 12-21-04 from KCC (Phil Young) to GMW (Glenn Johnson)	
144					01745 – email dated 1-3-05 from KCC (Phil Young) to GMW (Glenn Johnson)	
145					200625 – email dated 1-11-05 from GMW (Glenn Johnson) to KCC (Phil Young) re payment due	
146					01752-3 – emails 1-10 and 1-11-05 between GMW and KCC	
147					200591 – email dated 2-22-05 from GMW (Glenn Johnson) to KCC (Ray Hamilton) re nonpayment	
148					01785 – email dated 2-24-05 from GMW (Glenn Johnson) to KCC (Ray Hamilton)	
149					01794 – emails dated 4-28-05 from KCC (Ray Hamilton) to GMW (Glenn Johnson) and from GMW (Glenn Johnson) to KCC (Ray Hamilton)	
150					01796 – emails dated 5-11 and 5-12-05 between GMW and KCC	

151					01734,01736 – GMW 12-16-04 letter to 3 <sup>rd</sup> contracting re nonpayment	
152					DO billing summary	
153					GMW's list of outstanding amounts due	
154					GMW's 2006 count of materials with line item pricing	
					<b>OTHER</b>	
155					201852-3 – Fax from KC Alaska to KCC dated 3-23-04 (with notation) with civil proposal attached	
156					201845 – KC Alaska Civil Proposal dated 4-20-04	
157					203225 – KC Alaska Contract price dated 6-21-04 (with notations)	
158					203232-34 – KC Alaska fax cover dated 7-8-05 sheet with 2 additional pages re work done by KC Alaska\	
159					201851 and 201848 – KC Alaska fax cover sheet with letter attached (with notation) dated 9-17-04	
160					203235-8 – KC Alaska fax cover sheet dated 1-5-05 with 3 invoices attached	
161					203223 – KCC letter dated 2-21-05 KC Alaska re payment	
162					202521 – Anchorage Lath & Plastering quote dated 7-8-04	
163					203034 – AAA Fence quote dated 10-14-04	



164					2030245 – Diomedes Ent. quote dated 11-18-04	
165					202513 – KCC proposal letter to 3 <sup>rd</sup> Contracting dated 6-3-04	
166					203006-8 – KC estimate re Munitions Storage dated 3-2-05	
167					Deposition of William Jury	
168					Deposition of Phil Young	
169					Deposition of Julie Foland	
					<b><u>DEFENDANTS' EXHIBITS</u></b>	
	A				Complaint	
	B	003723 – 004097			Main Contract [Govt. / Kanag'iq]	
	C				Subcontract [Kanag'iq / GMW]	
	D				Affidavit of Thomas Johnson	
	E				Deposition of Thomas Johnson	
	F	4062-4064			Option to Extend Contract , First Option Year, 9-14-01	
	G	4073-4076			Option to Extend Contract, Second Option Year, 9-28-02	
	H				Payment Bond [Kanag'iq / Western Surety]	
	I				Deposition of Glen Johnson	
	J				Project Specifications – Excerpt [Johnson, Exh. C	
	K	200654 200649 200647			Faxes re Project [Johnson Exh. D-F]	

L					Deposition of Steve Frere	
M					Emails re Project [Frere Exh. G]	
N					Price Schedule - Oversize Spreadsheets [Frere Exh. H]	
O					Document re Delivery Orders [Tugman] [Frere Exh. I]	
P					Spreadsheets re item counts, signed by S. Frere	
Q				NA	Fire Protection Requirements, Modifications of Contract: 4-22-03, 9-19-03 and 11-14-03, Bid Schedule / Second Option Year (Jury Exh. 1)	
R				200707 - 200713	Bid Schedule / Base Year (Jury Exh. 2)	
S				200714 - 200719	Bid Schedule / First Option Year (Jury Exh. 3)	
T				200734 - 200739	Bid Schedule / Second Option Year (Jury Exh. 4)	
U				200720 - 200725	Bid Schedule / Second Option Year (Jury Exh. 5)	
V				02008	Subcontractor Progress Payments (Jury Exh. 45)	
W				203374 - 203407	Delivery Orders Being Tracked by Kanag'iq, last page without Bates No. (Jury Exh. 46)	
X				203223	Correspondence from Kanag'iq to KC re payment (Jury Exh. 49)	
Y				203239	Modification of Contract 5-31-05 (Jury Exh. 70)	
Z				203373	Recap 5008 381 Intelligence (Elephant Cage), undated (Jury Exh. 88)	
AA				200733	2030 Fire Requirements, undated (Jury Exh. 90)	
AB				01609 01663 200616 01689 01691-2 01716	Fax Transmittals and emails to/from GMW / Kanag'iq (Jury Exh. 91)	

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